



Practitioner's Docket No. 48699-CPA (71360)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: H. Sato et al.

Serial No.: 09/155,635

Filed: July 9, 1999

For:

LITHIUM ION SECONDARY BATTERY

Group No.: 1745

Examiner: C. Chaney

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 C.F.R. 1.191)

NOTE: An appeal may be based on one rejection in a prior application and one rejection in a continuing application. Notice of Oct. 10, 1997, 62 F.R. 53131, at 53167.

NOTE: There is no requirement for a notice of appeal to: (1) be signed; or (2) identify the appealed claims. Notice of Oct. 10, 1997, 62 F.R. 53131, at 53167.

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed April 11, 2003, finally rejecting claims 9-12.

The item(s) checked below are appropriate:

1. STATUS OF APPLICANT

This application is on behalf of

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service with sufficient postage as "Express Mail Post Office To Addressee;" Express Mailing No. EV343734695US, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: September 11, 2003

FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office.

Signature Michelle P. Chicos

Michelle P. Chicos

(type or print name of person certifying)

09/12/2003 10:27:01 00003025 09105635

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09/12/2003

320.10 22
410.00 22

- ☒ other than a small entity.
☐ a small entity.
A statement:
☐ is attached.
☒ was already filed.

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. 1.17(b), the fee for filing the Appeal Brief is:

- ☐ small entity \$160.00
☒ other than a small entity \$320.00

Notice of Appeal fee due \$320.00

3. EXTENSION OF TERM

NOTE: The time periods set forth in 37 C.F.R. 1.191 are subject to the provision of § 1.136 for patent applications. 37 C.F.R. 1.191(d). (But see 37 C.F.R. 1.645 for extension of time in interference proceedings and 37 C.F.R. 1.550(c) for extension of time in reexamination proceedings).

(complete (a) or (b), as applicable)

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

- (a) ☒ Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$110.00	\$55.00
<input checked="" type="checkbox"/> two months	\$410.00	\$205.00
<input type="checkbox"/> three months	\$930.00	\$465.00
<input type="checkbox"/> four months	\$1,450.00	\$725.00
<input type="checkbox"/> five months	\$1,970.00	\$985.00

Fee \$ 410.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- (a) ☐ An extension for _____ months has already been secured, and the fee paid therefore of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$410.00

or

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee \$ 320.00
Extension fee (if any) \$ 410.00
TOTAL FEE DUE \$ 730.00

5. FEE PAYMENT

- ☒ Attached is a check in the sum of \$730.00.
☐ Charge Account No. _____ the sum of \$ _____.
A duplicate of this transmittal is attached.

6. FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in resuming the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G 31-33.

- ☒ If any additional extension and/or fee is required, this is a request therefore and to charge Account No. 04-1105.

AND/OR

- ☒ If any additional fee for claims is required, charge Account No. 04-1105.



SIGNATURE OF PRACTITIONER

John B. Alexander, Ph.D. (Reg. No. 48,399)

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Boston, MA 02209

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Date: September 11, 2003

Customer No: 21874



09-15-03

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Date of Deposit September 11, 2003

I hereby state that the following *attached* paper or fee

Transmittal of Notice of Appeal
Check in the amount of \$730.00

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. section 1.10, on the date indicated above and is addressed to Mail Stop, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450.

Michelle P. Chicos

Typed or printed name of person mailing paper or fee

Michelle P Chicos

Signature of person mailing paper or fee

NOTE: The label number need not be placed on each page. It should, however, be placed on the first page of each separate document, such as, a new application, amendment, assignment, and transmittal letter for a fee, along with the certificate of mailing by "Express Mail" Although the label number may be on checks, such a practice is not required. In order not to deface formal drawings it is suggested that the label number be placed on the back of each formal drawing or the drawings be accompanied by a set of informal drawings on which the label number is placed.